

REMARKS

Applicant has carefully reviewed and considered the Office Action mailed on September 8, 2003, and the references cited therewith.

Claims 1-3 are amended, claims 4-18 are added, and no claims are canceled; as a result, claims 1-18 are now pending in this application. Applicant has amended the claims to clarify the automated operation aspect of the method.

§102 Rejection of the Claims

Claims 1-3 were rejected under 35 USC § 102(b) as being anticipated by Keshav ("An Engineering Approach to Computer Networking"). Anticipation requires the disclosure in a single prior art reference of each element of the claim under consideration. *In re Dillon* 919 F.2d 688, 16 USPQ 2d 1897, 1908 (Fed. Cir. 1990) (en banc), cert. denied, 500 U.S. 904 (1991). It is not enough, however, that the prior art reference discloses all the claimed elements in isolation. Rather, "[a]nticipation requires the presence in a single prior reference disclosure of each and every element of the claimed invention, *arranged as in the claim*." *Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co.*, 730 F.2d 1452, 221 USPQ 481, 485 (Fed. Cir. 1984) (citing *Connell v. Sears, Roebuck & Co.*, 722 F.2d 1542, 220 USPQ 193 (Fed. Cir. 1983)) (emphasis added). Applicant respectfully submits that Keshav does not anticipate Applicant's claims as amended.

For example, Applicant's claims recite "automatically generating a routing configuration for the virtual router based on the site reachability data and the routing profile." The Office Action states that Keshav, at page 321, lines 15-26 teaches the generation of a routing configuration. Applicant respectfully disagrees with this interpretation of Keshav. Applicant has reviewed Keshav and can find no teaching or disclosure of automatically generating a configuration for a virtual router. The cited section of Keshav discloses that site reachability data and costs may be stored in LSP records, including summary records, and that such information may be used to compute optimal paths. However, while this information may be useful in determining site reachability data, Keshav does not appear to teach or disclose automatically generating a configuration for a router based on the data. Keshav merely uses the data to compute paths. This is different from the claimed configuration generation. As a result,

Keshav fails to teach or disclose each and every element of Applicant's claim 1, and therefore does not anticipate Applicant's claim 1. Applicant respectfully requests reconsideration and the withdrawal of the rejection of claim 1.

Claims 2 and 3 depend for claim 1 and therefore inherit the elements of claim 1 while adding further patentable distinctions. Applicant respectfully submits that claims 2 and 3 are therefore allowable for at least the same reasons as discussed above with respect to claim 1.

New Claims 4-18

Applicant has added new claims 4-18 in this response. Support for the new claims may be found throughout the specification and in particular at page 11, line 13 to page 18, line 2. Applicant believes that no new matter has been introduced with the new claims.

Additionally, Applicant has reviewed Keshav and can find no teaching or disclosure of the various elements recited in new claims 4-18. Applicant respectfully requests consideration and the allowance of new claims 4-18.

AMENDMENT AND RESPONSE UNDER 37 CFR § 1.111

Serial Number: 09/663485

Filing Date: September 13, 2000

Title: SYSTEM AND METHOD FOR MANAGING AND PROVISIONING VIRTUAL ROUTERS

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Dkt: 1384.009US1

Conclusion

Applicant respectfully submits that the pending claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at (612) 373-6954 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743

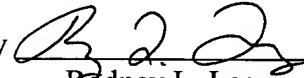
Respectfully submitted,

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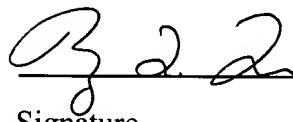
Date March 8, 2004

By 
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Rodney L. Lacy

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